

## United States Patent and Trademark Office

M

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/730,867	12/09/2003	Edward F. McNair	2-5635-001	6427	
803	7590 11/22/2004		EXAM	EXAMINER	
STURM & FIX LLP			HIRSCH,	HIRSCH, PAUL J	
206 SIXTH	AVENUE				
SUITE 1213			ART UNIT	PAPER NUMBER	
DES MOINES, IA 50309-4076			3753		

DATE MAILED: 11/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

			1//
	Application No.	Applicant(s)	V
	10/730,867	MCNAIR, EDWARD F.	
Office Action Summary	Examiner	Art Unit	
	Paul J. Hirsch	3753	
The MAILING DATE of this communication app Period for Reply	pears on the cover sheet with the c	orrespondence address	s
A SHORTENED STATUTORY PERIOD FOR REPL' THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.1 after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a repl If NO period for reply is specified above, the maximum statutory period of Failure to reply within the set or extended period for reply will, by statute Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	36(a). In no event, however, may a reply be tin y within the statutory minimum of thirty (30) day will apply and will expire SIX (6) MONTHS from , cause the application to become ABANDONE	nely filed s will be considered timely, the mailing date of this commun D (35 U.S.C. § 133).	nication.
Status			
1) Responsive to communication(s) filed on 09 D	ecember 2003.		
· · · · · · · · · · · · · · · · · · ·	action is non-final.		
3) Since this application is in condition for alloware closed in accordance with the practice under E	•		rits is
Disposition of Claims			
4) ☐ Claim(s) 1-14 is/are pending in the application 4a) Of the above claim(s) is/are withdray 5) ☐ Claim(s) is/are allowed. 6) ☐ Claim(s) is/are rejected. 7) ☐ Claim(s) is/are objected to. 8) ☐ Claim(s) 1-14 are subject to restriction and/or or	wn from consideration.		
Application Papers			
9)☐ The specification is objected to by the Examine	er.		
10) The drawing(s) filed on is/are: a) acc	epted or b) $\square$ objected to by the I	Examiner.	
Applicant may not request that any objection to the	• • • • • • • • • • • • • • • • • • • •	` '	
Replacement drawing sheet(s) including the correct 11) The oath or declaration is objected to by the Ex	· · · · · · · · · · · · · · · · · · ·		` '
Priority under 35 U.S.C. § 119			
12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of:  1. Certified copies of the priority document 2. Certified copies of the priority document 3. Copies of the certified copies of the priority document application from the International Bureau	s have been received. s have been received in Applicati rity documents have been receive	on No	e
* See the attached detailed Office action for a list	of the certified copies not receive	d.	
Attachment(s)			
1) D Notice of References Cited (PTO-892)	4) Interview Summary		
Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Da	ate atent Application (PTO-152)	
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date	6) Other:	atent Application (F10-152)	

## **DETAILED ACTION**

## Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-11, drawn to a geothermal heating/cooling system, classified in class 165, subclass 45.
- II. Claims 12-14, drawn to a method of using and installing geothermal pipe, classified in class 405, subclass 154.1+.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case installation of the pipe may be done by hand and/or without the use of drilling equipment.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Art Unit: 3753

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul J. Hirsch whose telephone number is 703-308-1148. The examiner can normally be reached on 6:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Mancene can be reached on 703 3082696. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Paul J. Hírsch Primary Examiner Art Unit 3753

Pjh November 16, 2004